

AMENDED CONTRACT WITH TULE LAKE IRRIGATION DISTRICT

An act to authorize the Secretary of the Interior to execute a contract with the Tule Lake Irrigation District, California, and for other purposes. (Act of August 1, 1956, ch. 828, 70 Stat. 799)

[Sec. 1. Amended repayment contract with Tule Lake Irrigation District authorized.]—The Secretary of the Interior is authorized to execute, on behalf of the United States, a repayment contract with the Tule Lake Irrigation District, California, substantially in the form in which said contract was negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192, 43 U.S.C., sec. 485f) and approved at an election of the district held on July 2, 1956. (70 Stat. 799; 43 U.S.C. § 612, note)

Sec. 2. [Administration of the amended contract—Construction costs assigned to wildlife refuge lands shall be nonreimbursable—Provisions of law repealed—Public notices authorized to be withdrawn.]—In aid of the administration of said contract and for other purposes—

(a) credits may be given and payments made to the Tule Lake Irrigation District and the Klamath Irrigation District in accordance with said contract without further appropriation but, notwithstanding any other provision of the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388) and Acts amendatory thereof or supplementary thereto), said credits and payments shall be the only credits given or payments made to the Tule Lake Irrigation District.

(b) repayment of those portions of the costs of the works of the Klamath project heretofore or hereafter constructed serving lands within the boundaries of the Tule Lake Irrigation District which are allocated by the Secretary to said lands shall be accounted for by application of the construction charge payments required to be made under the aforesaid contract and, to the extent to which the payments so required do not account in full for said allocation, by application of (a) net revenues heretofore received from the sources described in article 4 of said contract, (b) those net revenues hereafter received from the same sources which are in excess of the amounts to be credited or paid to the district in accordance with said article, and (c) other net project revenues heretofore or hereafter received from project sources which are properly creditable to the Tule Lake division under the Federal reclamation laws.

(c) the lands of the Klamath project, presently within its Tule Lake division, which lie in Siskiyou County, California, west of range 4 east, Mount Diablo meridian, and in the vicinity of Lower Klamath Lake, including lands heretofore uncovered by the changing level of that lake, are hereby severed from said division, and appropriate portions of the costs of the works of the Klamath project heretofore or hereafter constructed which serve said lands shall be allocated by the Secretary to those lands. Any repayment contract entered into under the Federal reclamation laws with

respect to them shall require water users thereon to assume such equitable share of said allocation as is within their repayment ability. Construction costs, if any, in excess of that amount shall be accounted for by the application of net revenues derived after December 31, 1942, from the leasing of Government-owned lands in the area aforesaid. Nothing contained in this subsection shall authorize the levying or collection of charges on account of project construction on lands utilized by the Fish and Wildlife Service in any national wildlife refuge. Any project construction costs assigned by the Secretary to such refuge lands shall be nonreimbursable.

(d) the allocations provided for in subsections (b) and (c) of this section shall extend to all past and future expenditures except those for which special provision was made by section 15 of the Act of May 25, 1926 (44 Stat. 636, 639).

(e) the proviso attached to the item in the Interior Department Appropriation Act, 1941, appropriating funds for construction of the Klamath project (54 Stat. 406, 436), is repealed. Section 2, subsection (d), of the Act of June 17, 1944 (58 Stat. 279, 43 U.S.C., sec. 612) is repealed, but this repeal shall not affect the application of net revenues received prior to January 1, 1943, which was made by the second sentence thereof.

(f) the Secretary is authorized to withdraw any public notice heretofore issued on the Klamath project which is applicable to lands of the Tule Lake division. (70 Stat. 799; 43 U.S.C. § 612, note)

EXPLANATORY NOTES

Reference in the Text. The Act of May 25, 1926 (44 Stat. 636, 639), referred to in subsection (d) of the text, is the Omnibus Adjustment Act. The Act appears herein in chronological order.

Exemption. The Public Works Appropriation Act, 1964, Act of December 31, 1963, 77 Stat. 850, authorizes certain leasing

revenues to be credited to the Klamath project water rights program notwithstanding the provisions of section 2(c) of the Act of June 17, 1944, and sections 2(a), 2(b), and 2(c) of the Act of August 1, 1956. The relevant extract from the 1963 Act appears herein in chronological order.

Sec. 3. [Coverage of revenues into reclamation fund.]—Net revenues of the Tule Lake division which are derived from sources other than those described in subsections (a), (b), and (c) of section 2 of this Act or which, although derived from said sources, are in excess of the amounts required for the purposes therein stated, shall be covered into the reclamation fund for application, to the extent necessary, in aid of divisions or units of the Klamath project, including lands within the Tule Lake Irrigation District, hereafter authorized for construction pursuant to law. (70 Stat. 800; 43 U.S.C. § 612, note)

Sec. 4. [Homesteading and leasing of public lands.]—Nothing contained in this Act or in the aforesaid contract shall be construed to affect the homesteading of the now unentered public lands within the Tule Lake Irrigation District as promptly as the United States may deem desirable consistent with other authorized uses, but the Secretary shall, in the meantime, continue the leasing of public lands to provide adequate funds for the purposes of this Act and said contract and to prepare and make said lands available for the designated purposes. (70 Stat. 800; 43 U.S.C. § 612, note)

TULE LAKE IRRIGATION DISTRICT

EXPLANATORY NOTE

Legislative History. H.R. 12034, Public Law 877 in the 84th Congress. H.R. Rept. No. 2588. S. Rept. No. 2582.

NOTE OF OPINION

1. Excess lands

A contract containing a clause terminating excess land limitations upon payment of construction charges is considered not to be affected by the 1961 Solicitor's Opinion holding that payout does not suspend application of excess land laws to pre-existing holdings if such contract has been approved

by Congress, even though it was submitted to Congress for some other reason such as under section 7 of the Reclamation Project Act of 1939. Letter from Secretary Udall to Chairman Wayne Aspinall, House Committee on Interior and Insular Affairs, April 11, 1962, note No 2.